

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)No. 4:09-CR-00572 HEA
)
ANTOINE S. REED,)
)
Defendant.)

SENTENCING HEARING

BEFORE THE HONORABLE HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE

JANUARY 24, 2011

APPEARANCES:

For Plaintiff: Michael A. Bert, Esq.
OFFICE OF U.S. ATTORNEY
111 South Tenth Street, 20th Floor
St. Louis, MO 63102

For Defendant: Gilbert C. Sison, Esq.
ROSENBLUM AND SCHWARTZ
120 S. Central Avenue, Suite 130
Clayton, MO 63105

REPORTED BY: ANGELA K. DALEY, CSR, RMR, FCRR, CRR
Official Court Reporter
United States District Court
111 South Tenth Street, Third Floor
St. Louis, MO 63102
(314) 244-7978

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(PROCEEDINGS STARTED AT 12:50 P.M.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT AND WITH
THE DEFENDANT PRESENT.)

THE COURT: This is the matter of United States of America versus Antoine S. Reed, case number 4:09-CR-572 HEA. The matter is now before the Court for purposes of sentencing pursuant to the defendant's entry of a plea of guilty to Count One, possession with the intent to distribute in excess of 50 grams of cocaine base; Count Two, possession of a firearm during and in furtherance of a drug trafficking crime; and Count Three, felon in possession of a firearm. Sentencing was deferred pending receipt of a presentence investigation report which the Court has received and reviewed in its entirety. Let the record now reflect that the defendant is now present in open court with counsel, Mr. Gilbert Sison, and the Government is present through Mr. Michael Bert. Mr. Sison, on behalf of the defendant, are you ready to proceed?

MR. SISON: Yes, Your Honor.

THE COURT: Mr. Bert, on behalf of the Government, are you ready to proceed?

MR. BERT: Yes, Your Honor.

THE COURT: Have you had the opportunity to review the presentence investigation report in this matter with your client, Mr. Sison?

MR. SISON: Yes, we have, Your Honor, and we have no

1 objections to the report.

2 THE COURT: Any objections on behalf of the
3 Government?

4 MR. BERT: None, Your Honor.

5 THE COURT: There being no objections to the factual
6 statements set forth in the report or to the way in which the
7 drafter has applied the guidelines in their advisory capacity,
8 the Court concludes that as to Count One, the guideline range
9 is 322 to 387 months; as to Count Two, there is a mandatory
10 minimum of 60 months consecutive to other counts; and Count
11 Three also has a mandatory minimum of 15 years. Having thusly
12 concluded, are we ready to proceed with sentencing?

13 MR. SISON: We are, Your Honor.

14 THE COURT: All right. Let the record also reflect
15 that certain motions have been filed and a memorandum
16 regarding sentencing have been filed. Do you want to address
17 those matters now, Counsel?

18 MR. SISON: Yes, Your Honor. I'd note that Mr. Reed
19 has -- it's up to you how you want to proceed, Judge. I'll
20 have some non-guideline arguments that I'd like to make.
21 Obviously, we will have to address the issue of the
22 Government's motion at some point, and then I know Mr. Reed
23 has a prepared statement he'd like to make to the Court as
24 well.

25 THE COURT: Why don't we take up the Government's

1 motion at this time.

2 MR. SISON: Okay.

3 THE COURT: Side bar.

4 **(A Bench Conference Was Held On the Record and Outside of the**
5 **Hearing of the Courtroom As Follows:)**

6 THE COURT: Yes.

7 MR. BERT: The Government filed a motion pursuant to
8 5K1.1 for a downward departure from the advisory guideline
9 range, and I think it's mostly summed up in that motion the
10 nature and the extent of the defendant's assistance with the
11 Government. Basically, it consists of him giving information
12 that led agents with DEA to identify people on a Title III
13 wire, able to identify names of people, places, and specific
14 transactions which they were able to make use of in an ongoing
15 investigation. Further, he also gave information relative to
16 activities, illegal activities, going on over at the St. Louis
17 City Justice Center. That matter is actually still ongoing
18 and under investigation.

19 MR. SISON: Judge, just for the record, just to let
20 you know, he has proffered on three occasions, and each of
21 those proffers lasted for a couple of hours at least. The
22 first proffer was at our insistence. The second proffer was
23 at the request of one of the agents which I think led to the
24 information that was the basis of the motion, and the third
25 proffer was also at our insistence as well because he had come

1 into additional information about ongoing criminal activities
2 at the St. Louis Justice Center including, for example, the
3 distribution of contraband, the use of unauthorized visits,
4 conjugal visits, and whatnot, but also there was an incident
5 with a city co-defendant who was trying to pass him a letter
6 to get to someone in the federal pod -- basically like an
7 obstruction of justice trying to silent the witness -- and he
8 informed the Government of that. I don't know what's come of
9 that. Obviously, I'm pretty sure that information was
10 forwarded to the City Circuit Attorney's Office.

11 That being said, Judge, you know, the Government did
12 not make a recommendation as to the number or what the
13 appropriate departure should be, but if we just took it from
14 the advisory guideline range at 322, historically speaking,
15 it's been my experience, Judge, my limited experience, that
16 when any defendant has given information, usually on average,
17 it's, you know, more or less around 30, 33 percent. If you
18 just use that little number as a rule of thumb, 33 percent off
19 the low end of that guideline range goes down to 210, which is
20 a little bit under the 20-year range. And then obviously, we
21 believe it should be lower than that because of the
22 non-violent factors which we will address at the podium. My
23 point is, Judge, you know, he has expressed concern because of
24 his cooperation. I think I relayed back to the judge in
25 chambers that he's been jumped in the City Justice Center

1 because the thing in his PSR indicated that the Government
2 might file a 5K1.1. Because of that, he has come up to me and
3 he has asked the Government to explore the possibility of
4 putting him into a WitSec prison. His mother, who is still
5 out there, has been getting calls as to why he might be
6 cooperating against I think -- and Mr. Bert can correct me --
7 but I think it was Demetrius Reed that was the individual that
8 he gave information on. Apparently it has gotten out, and his
9 mother has received phone calls as to why is he doing what he
10 is doing. And so obviously Mr. Reed is afraid for his family
11 in addition to himself, and we think that counts for some
12 consideration in determining the appropriate departure.

13 MR. BERT: The Government has nothing further to add,
14 Your Honor.

15 THE COURT: All right. Thank you.

16 **(The Following Proceedings Were Held Within the Hearing and**
17 **Presence of the Jury.)**

18 THE COURT: Anything specifically with regard to
19 allocution, Mr. Sison?

20 MR. SISON: Yes, Your Honor. And I'll be brief
21 because obviously everything is outlined in the sentencing
22 memorandum. Judge, in addition to the departure, we believe
23 the Court should also take into account the factors identified
24 in 18 USC 3553(a) and to make some consideration for a
25 non-guideline sentence; in other words, a further departure

1 from what a typical range would be expected from the
2 Government's motion. A couple things I would like to point
3 out, Judge, obviously, he has a very violent history. There
4 is no question about that. Mr. Reed has been in trouble with
5 the law since he was 17 or 18, but if you look closely at his
6 record, I am not trying to downplay any of the things that he
7 has done and I don't think Mr. Reed is either, but if you look
8 at the time scale of when these offenses occurred, it occurred
9 when he was 17 or 18, about 12, 13 years ago, a time when he
10 left school to go live on the streets. And why did he go live
11 on the streets? Well, the PSR identifies several factors
12 which led him that way; in other words, the physical abuse and
13 the other abuse that he received while he was growing up.

14 Growing up, let's be honest, he didn't get much of a
15 life growing up. You know, obviously some of that is due in
16 part to Mr. Reed and his obstinacy and his stubbornness, but
17 it's also due in large part to how he grew up. He didn't have
18 the lifestyles that we had. Again, we are not making excuses
19 for it, Judge. All we are trying to say is that his criminal
20 activities must be placed in that context. You know, and
21 here's what happens. He picks up an assault first, and I
22 don't know if a lot of people know this, but, you know, his
23 capacity for doing bad things but also doing things that show
24 some rehabilitation is also pretty evident. The first thing
25 he did when he got out of prison -- he relayed this story to

1 me in our many conversations -- but he relayed the story to me
2 how he sought out the person that he had assaulted, and he
3 apologized to her. Not a lot of defendants do that. Not a
4 lot of defendants have that cognizance to reach out to someone
5 that they had affected, a victim that they affected, and to
6 reach out and say, look, I'm sorry for what I have done to
7 you, it wasn't what I wanted to do -- I mean, I apologize for
8 what I did. He clearly has anger management issues, Judge.
9 There is no question about that, but he's never been
10 conditioned to respond any other way other than violence. His
11 mother had a noted anger problem. He had an anger problem.
12 You know, that's the only way he knows how to associate and
13 deal with people.

14 And if you think about it, Judge, you know, he picks
15 up the assault first, he gets probation on an assault first
16 and trafficking, and then literally four and five months
17 later, he picks up his second and third trafficking charge,
18 which basically for lack of a better term demolishes him
19 because it puts him in prison for ten years. So since 17,
20 he's been in prison. He got out in '08, September of '08 if
21 I'm not mistaken, on parole, and then his supervision was
22 completed sometime in '09, and he picked up the instant
23 offense I believe in August of '09, and since then he's been
24 incarcerated ever since. So this gentleman who is now age 30,
25 from the time that he is 17 to now 30, he's only experienced

1 11 months outside of a jail setting. And let's be honest, his
2 time in the Missouri Department of Corrections aside from a
3 GED was not for lack of a better term productive. I mean, the
4 PSR notes that he was not given any type of substance abuse
5 treatment while in the DOC, even though there were records
6 showing that he had cannabis problems in a juvenile detention
7 facility. When he got out on parole, he wasn't even put on
8 community supervision, wasn't required to drop, wasn't
9 required to do any drops. The problem is, he actually got
10 exposed to heroin while in the DOC, which further led him --
11 he got addicted, and he stated in the PSR that he used it
12 every day until he was arrested.

13 So, of course, what does he do? What does he do when
14 he gets out to perpetuate his addiction? He sells drugs.
15 Unfortunately for him, it destroyed him because that
16 additional offense given his criminal history makes him a
17 career offender, and because he is a career offender, he is
18 looking at 322 to 367 months. 322 months, the low end of that
19 range, represents 27 years, 27 years. I'm not saying that
20 Mr. Reed shouldn't be punished, he should. Any sentence that
21 you give him should reflect, you know, enforcement of the law
22 and should reflect just punishment, but by the same token, it
23 gets to a point where it gets to be too much. What will a
24 15-year sentence or a 13 or 14-year sentence accomplish that a
25 27-year sentence won't? You know, they're both lengthy. He

1 is going to be incapacitated for a lengthy period of time.
2 And if anything, Judge, if anything, he actually hopefully
3 will get better treatment in the BOP than he did in the DOC.

4 Here's what he needs. He obviously needs mental
5 health treatment. He obviously needs substance abuse
6 treatment, and he probably needs some sort of psychiatric
7 counseling to deal with his anger issues and the multiple
8 issues that were identified in the presentence report. So
9 hopefully the criminal justice system won't fail him. I mean,
10 the criminal justice system can't just be about punishment
11 because that is really what we focus on all the time is how
12 much time can we put him in jail when it doesn't really
13 resolve the root cause of the problem. What caused the
14 criminality in the first place. Can we do anything to
15 rehabilitate him. Are we going to make any efforts to focus
16 on rehabilitation. If there is no efforts like that, Judge,
17 then there is no justice. Justice cannot be about punishment
18 alone. It must be also about rehabilitation. You know, and
19 given the circumstances that he's been dealt with, given the
20 cards that he was dealt with, you know, I don't think it's
21 that far of a stretch to be asking what we are asking for
22 here. It's still a significant term. It's still a
23 significant sentence. He is going to be locked away for a
24 long period of time. So in terms of -- I mean, if he is not
25 going to learn anything in 13 or 14 years, then he is never

11
1 going to learn. He is not going to learn in 20 or 27. That
2 is the point. What's the minimally sufficient sentence to
3 impose.

4 Maybe what we should do is look at it from another
5 perspective. Maybe we should say, you know what, all this
6 time, aside from the first judge that sentenced him to his
7 assault first and gave him probation, maybe what he needs is a
8 little bit of light at the end of the tunnel. Maybe, you
9 know, because he's turned the corner and I think the
10 Government's motion indicates that, and I think I've
11 identified a couple of reasons why I believe he's turned the
12 corner, maybe we should give him some hope, some faith; in
13 other words, give him the benefit of the doubt. If you impose
14 what we're requesting, he'll be getting out when he's 42 or 43
15 or 44. If that's not going to teach him, then nothing will
16 obviously, and obviously if he picks up another case, he's
17 gone for life. We all know that. Maybe what he needs is some
18 semblance of hope, someone to place some trust in him, to
19 believe in him that maybe, just maybe, you might have turned
20 the corner, and because of that, I will give you the light at
21 the end of the tunnel. I will give you the break that you
22 need. It's still significant, but by the same token hopefully
23 you will get help, and hopefully you can make some sort of
24 productive life out of yourself.

25 I mean, look, you know I've been in front of you and

1 in front of judges in this district all the time. Every
2 defendant that I represent, I provide them this 256-page list
3 of things that you can get in BOP. In the four years that I
4 have worked with Scott, not one defendant has come back to me
5 and said, Yeah, you know, I liked that program over at FCI so
6 and so, or yeah, I liked that program at FCI so and so. When
7 I visited Mr. Reed last night, I gave him this document about
8 two weeks ago right before he was sentenced, and I came back,
9 and he actually had a whole list of things that he wanted to
10 do. FCI Reno had an electrician's class. FCI Greenville had
11 a business class. He identified four or five facilities which
12 unfortunately I was sort of, you know, I would love to get you
13 in FCI Reno, I am just not sure if you are going to qualify
14 for that, and I don't control what the BOP does, and even if
15 you made the recommendation, there is no guarantee he is going
16 to get there either, you know.

17 The point is, Judge, is that there is at least some
18 hope for him, you know. I mean, I don't think we should just
19 throw away the key. That's the easy solution. I mean, the
20 easy solution to protect the public, throw him away for 20
21 years. Fine. You know, we don't have to deal with him. But
22 is that the right solution is the question this Court has to
23 answer. That's all I'm asking, Judge, is you take into
24 consideration his circumstances. I'm not trying to make
25 excuses for his past. It's a bad one, no question about it,

1 but by the same token, I think he produces some hope that he
2 actually might be able to make something of himself. And I
3 can tell you that a lot of defendants, sometimes I believe
4 that they can do it, more often times I don't think they can.
5 He is one of the ones, you know, dealing with him day in and
6 day out over the past two years in dealing with this case I
7 think actually might have a shot. And I told him, you know, I
8 don't make this promise to any defendant, but I told him that
9 when he gets out of prison, whenever that might be, you know,
10 despite his violent past, despite what I know of his character
11 and his history, I told him if you're ever having a problem
12 finding a job, call me, and I'll do something to help you out.
13 I don't do that for everybody.

14 You know, I'm going to have three kids soon, you
15 know, and, you know, I am totally comfortable with Mr. Reed
16 despite knowing of his past, and all I ask is -- I can't
17 explain to you how I've been able to develop a relationship
18 over the past couple years that I have, but all I'm asking,
19 Judge, is I feel comfortable with him. I think he can make
20 the change. He's going to have some words to say to you that
21 hopefully will lead you to think or at least give you some
22 pause for thought as to whether he actually can make that
23 change, and I am hoping that you will at least take that into
24 consideration in handing out a just and fair punishment.

25 THE COURT: All right. Mr. Bert.

1 MR. BERT: Your Honor, just to review his prior
2 criminal record, the best way to sum it up would be a history
3 of violence, which he has assault first convictions and also
4 his history of selling drugs. I mean, he's got a prior for
5 second assault I believe and then also one for assault in the
6 first degree and armed criminal action, and I believe the rest
7 are all involved in the sale of narcotics. And he talked a
8 great deal of time about let's not throw away the key, lock
9 him up and throw away the key. I mean, that's not really what
10 the Government is requesting here. Had we been requesting
11 that, we would have filed the enhancements under 851, which I
12 believe would have mandated a life sentence, so that is not
13 what we are requesting. We, of course, would certainly make
14 the request for a fair and reasonable sentence that would,
15 number one, protect the community from Mr. Reed and the drug
16 sales and the violence while he has a sufficient amount of
17 time to get whatever treatment or help or rehabilitation he
18 may need, and that may require a much longer period of time
19 for which he's been incarcerated in the past. So we've made
20 arguments at side bar, but certainly, Your Honor, the
21 Government respectfully requests that you take into
22 consideration the nature of his prior criminal history and
23 sentence him to a just term.

24 THE COURT: Mr. Reed.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Go ahead.

2 THE DEFENDANT: I may be a career criminal by
3 definition of law or by definition of terms; however, just as
4 you have a career in law, at some point you will retire from
5 it. In the Bible, the Apostle Paul spent the former part of
6 his life persecuting Christians only to later become one
7 himself. Speaking of Paul, he stated in Romans 13, "Let every
8 soul be subject to the governing authorities, for there is no
9 authority except from God, and the authority that exists are
10 appointed by God. Therefore, whoever resists the authority
11 resists the ordinance of God, and those who resist will bring
12 judgment on themselves. For rulers are not a terror to good
13 works but to evil. Do you want to be unafraid of the
14 authority? Do what is good and you will have praise from the
15 same."

16 I understand that the reason I stand before you today
17 is not because I was right, and you all, the authorities, was
18 somehow wrong, because if I was doing good, just as Paul says,
19 I would have nothing to fear, but that is not the case with
20 me. I was wrong, and that is why I am afraid as I stand
21 before you today. Believe it or not, most criminals don't
22 view ourselves as villains and the Government -- don't view
23 ourselves as criminals or should I say villains and the
24 Government as good guys. Instead, most of us see ourselves as
25 good guys or just as minor villains, whereas the authorities

1 we view as like huge mega villains. This makes it easier for
2 us to justify our behavior, but just as in Romans 13 says,
3 Whoever goes against the authorities goes against God, and
4 even the criminal knows that anyone who goes against God can
5 never be justified. All of this may seem simple to you, but
6 believe it or not when God revealed this to me not long ago,
7 it really had a profound effect on me. I mean, every word in
8 the Bible where it speaks of the wicked, I felt like it was
9 speaking about me, and all of a sudden, I understood why the
10 Government fights so hard to lock people like me up and throw
11 away the key. But is that really the right answer?

12 Now obviously, that is not my decision to make, and
13 I'm sure it's pretty obvious what my response would be if I
14 was asked that question. I just ask you today to please
15 before you make your decision, I ask before you make your
16 decision, ask yourself do you think I can change. Do you
17 think that I can ever get -- do you think that I can ever get
18 it together, and if so, do you think that locking me up,
19 locking me away so long that I have nothing to come home to,
20 will be the right solution to this problem. I understand that
21 I deserve prison at this point, but please leave me some hope
22 to a life when this is all over. Please leave me some hope of
23 putting pieces of my life together after this is all over.

24 THE COURT: Thank you, Mr. Reed. Any legal cause why
25 sentence should not now be imposed?

1 MR. SISON: None, Your Honor.

2 MR. BERT: No, Your Honor.

3 THE COURT: No legal cause having been shown why
4 sentence should not now be imposed, allocution having been
5 granted, and in consideration of the motion heretofore filed,
6 the arguments of counsel, and the matters set forth in
7 defendant's sentencing memorandum, and pursuant to the
8 Sentencing Reform Act as well as the provisions of 18 USC
9 3553(a), it will be the order and judgment of the Court that
10 as to Count One, defendant be remanded to the custody of the
11 Bureau of Prisons for a term of 160 months; as to Count Two,
12 defendant be remanded to the custody of the Bureau of Prisons
13 for a term of 60 months; and as to Count Three, a term of 160
14 months. The sentences imposed in Counts One and Three are to
15 be run concurrently for a total of 160 months. The sentence
16 imposed in Count Two is to be run consecutively to the
17 sentences in One and Three for an aggregate sentence of 220
18 months.

19 Upon release from the Bureau of Prisons, the
20 defendant will be placed on supervised release for a term of
21 five years as to each count to be run concurrently for a total
22 of five years, and within 72 hours of release from the custody
23 of the Bureau of Prisons, defendant will report in person to
24 the probation office in the district to which the defendant is
25 released. However, while in the custody of the Bureau of

1 Prisons, it is recommended that the defendant be evaluated for
2 participation in the residential drug abuse program if that is
3 consistent with Bureau of Prisons policies. While on
4 supervision, the defendant will comply with the standard
5 conditions of the Court and the following additional
6 conditions:

7 Number one, defendant will refrain from any unlawful
8 use of a controlled substance and submit to a drug test within
9 15 days of commencement of supervision and at least two
10 periodic drug tests thereafter for use of controlled
11 substances. Second, the defendant will participate in a drug
12 or alcohol abuse treatment program approved by the United
13 States Probation Office which may include substance abuse
14 testing, counseling, residence in a Community Corrections
15 Center, residence in a Comprehensive Sanctions Center,
16 Residential Re-Entry Center, or inpatient treatment in a
17 treatment center or hospital. Defendant will pay for the
18 costs associated with substance abuse services based on a
19 co-payment fee established by the United States Probation
20 Office. Copayments will never exceed the total costs of
21 services provided. Third, defendant will submit his person,
22 residence, office, or vehicle to a search conducted by the
23 United States Probation Office at reasonable times and in a
24 reasonable manner based upon reasonable suspicion of
25 contraband or evidence of a violation of a condition of

1 release. Defendant will warn any other residents that the
2 premises may be subject to searches pursuant to this
3 condition.

4 Fourth, defendant will participate in a mental health
5 program approved by the United States Probation Office.

6 Defendant will pay for the costs associated with the services
7 provided based on a co-payment fee established by the United
8 States Probation Office. Copayments will never exceed the
9 total costs of services provided. The Court further concludes
10 that the defendant does not have the ability to pay a fine,
11 and lastly, it is further ordered that the defendant pay to
12 the United States a special assessment of \$100 as to each
13 count, One through Three, inclusive for a total of \$300 that
14 will be due immediately. Anything further, Mr. Sison?

15 MR. SISON: Judge, given his lack of educational
16 training, there are a couple of facilities that I would like
17 the Court make some non-binding judicial recommendation to.
18 The first is FCI Reno, the second is FCI Butner, the third is
19 FCI Florence, and fourth is Fort Dix. And obviously, these
20 are facilities that he's identified where there are particular
21 trade vocations that he could take advantage of to give
22 himself some sort of skills once he is released from prison.

23 THE COURT: It will be the further order of Court by
24 way of recommendation to the Bureau of Prisons that the
25 defendant be considered for placement at one of the following

1 facilities: FCI Reno, FCI Butner, FCI Florence, or in the
2 alternative to those three, the facility at Fort Dix.
3 Anything else?

4 MR. SISON: Nothing further from the defendant, Your
5 Honor.

6 THE COURT: Anything further on behalf of the
7 Government?

8 MR. BERT: No, Your Honor.

9 THE COURT: Having sentenced you accordingly,
10 Mr. Reed, it is now my obligation to inform you of your rights
11 regarding appeal. You may appeal the sentence and judgment in
12 this case, but you have to do that within 14 days of the date
13 of the sentence and judgment. That means within 14 days of
14 today's date. If you do not file your appeal before that 14
15 days runs out, then you will have given up your right to
16 appeal the sentence and judgment. If you cannot afford to pay
17 the costs of filing the appeal, you can request that the costs
18 be waived, and if, in fact, the costs are waived, then the
19 Clerk of the Court will file your request free of charge. You
20 may file the notice of appeal and the appeal resulting
21 therefrom if you feel or believe that the sentence violated
22 the law in some fashion or is otherwise contrary to the law or
23 is void or voidable on its face. I think by virtue of your
24 plea agreement in this case and, of course, your plea, that
25 you gave up all rights to appeal, and if you did maintain any,

1 they are limited to things that in some way relate to
2 ineffective assistance of counsel or prosecutorial misconduct.
3 Okay? Do you understand your rights of appeal as I have
4 described them to you?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you have any questions regarding your
7 rights of appeal?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: The defendant is now remanded then to the
10 custody of the marshals to begin service of his sentence
11 forthwith. Good luck to you, Mr. Reed. Thank you, Counsel.
12 We will be in recess.

13 (PROCEEDINGS CONCLUDED AT 1:20 P.M.)

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CERTIFICATE

I, Angela K. Daley, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 21 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 1st day of August, 2011.

/S/Angela K. Daley
Angela K. Daley, CSR, RMR, FCRR, CRR
Official Court Reporter